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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,679	04/06/2001	Craig L. Reding	Verizon-7APP	6744

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/828,679	Applicant(s) REDING ET AL.	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2614

4. **Claim(s) 1-13, 19-21, 26-28, 30 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Swistock (US 6,389,115) in view of Andersson et al. (US 7,023,967 B1).

Regarding **claim(s) 1**, Swistock discloses a method for notifying a user of voice mail message (column 1, lines 7-10), (which reads on claimed “a communications method”), comprising:

monitoring SMDI communications link (SMDI on FIG. 1A) extending between a telephone switch (124 on FIG. 1A) and a voice messaging system (122 on FIG. 1A) to detect a SMDI message (column 3, lines 17-22) [The customer premise internet connector client actively reads all SMDI signals generated by the voice mail system];

generating an IP message (column 4, line 51 “a TAP data stream”) including at least one IP packet, the IP packet including at least some information (column 4, line 52 “the voice mail number”) obtained from a detected SMDI message (column 4, lines 46-59) [The voice mail forwards this message to the customer premise internet connector that includes the voice mail number]; and

transmitting the IP message over a communications channel (130 on FIG. 1A), which supports the transmission of IP packets (column 4, lines 7-11) [The information is passed via the Internet to the CPIC server]; and

in response to detecting said SMDI history message (column 4, line 62 “voice mail number provided by SMDI”) storing at least some information (column 4, line 19 “cell phone numbers”) included in the SMDI history message (column 4, lines 12-25)

[The cell phone number database that includes a list of voice mail numbers and updated by the voice mail administrator].

Swistock fails to disclose detecting at least one of a SMDI history message and a SMDI message waiting indicator message.

However, Andersson teaches detecting at least one of a SMDI history message and a SMDI message waiting indicator message (column 3, lines 57-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Swistock using the teaching message waiting indicator as taught by Andersson.

This modification of the invention enables the system to detect at least one of a SMDI history message and a SMDI message waiting indicator message so that the subscriber would retrieve messages.

Regarding **claim(s) 2**, Andersson teaches wherein the SMDI communications link includes an RS-232 cable, the method further comprising: prior to performing the monitoring step, inserting a tee connection into the SMDI communications link to allow for monitoring of the link (column 3, lines 57-61).

Regarding **claim(s) 3**, Swistock discloses in response to detecting a SMDI message waiting indicator control message, performing a database look-up operation to retrieve IP message routing information associated with a directory number included in the detected SMDI message (column 4, lines 46-51); and

wherein the step of generating an IP message includes including at least some of the retrieved IP message routing information in the IP message (column 4, lines 46-59).

Regarding **claim(s) 4**, Andersson teaches the IP message is an E-mail message and wherein the IP message routing information includes an E-mail address (column 4, lines 9-15).

Regarding **claim(s) 5**, Andersson teaches the IP message routing information includes an IP address (column 3, lines 62-63).

Regarding **claim(s) 6**, Andersson teaches operating an advance intelligent network service control point to store IP addresses in customer records corresponding to voice mail service subscribers (column 2, lines 36-50); and

wherein the step of generating an Internet Protocol message includes incorporating an IP address corresponding to a voice mail service subscriber, obtained from the service control point, into the at least one IP (column 2, lines 36-50).

Regarding **claim(s) 7**, Swistock discloses incorporating at least some of the stored information obtained from the SMDI history message in the IP message (column 3, lines 17-34).

Regarding **claim(s) 8**, Andersson teaches in response to detecting a SMDI message waiting indicator control message, using directory number information included in the SMDI message waiting indicator control message to retrieve stored SMDI history message information (column 3, lines 57-67).

Regarding **claim(s) 9**, Andersson teaches the step of generating an IP message includes incorporating at least some of the retrieved IP history message information in the IP message (column 4, lines 37-47).

Regarding **claim(s) 10**, Andersson teaches at least some of the retrieved IP history message information includes at least one of a calling party name and a calling party telephone number (column 4, lines 37-47).

Regarding **claim(s) 11**, Andersson teaches the IP message is an E-mail message (column 4, lines 9-15).

Regarding **claim(s) 12**, Andersson teaches the step of generating an IP message further includes incorporating at least some information from the detected SMDI message waiting indicator control message in the IP message (column 3, lines 57-67).

Regarding **claim(s) 13 and 26**, Swistock in combination with Andersson discloses all the limitations of **claim(s) 13 and 26** as stated in **claim(s) 1'** s rejection above.

Regarding **claim(s) 19 and 30**, Swistock in combination with Andersson disclose all the limitations of **claim(s) 19, 30** as stated in **claim(s) 1's** rejection above and furthermore Swistock discloses a telephone switch (124 on FIG. 1A), a voice messaging system (122 on FIG. 1A), a communications link (SMDI on FIG. 1A), an Internet Protocol message server (126 on FIG. 1A) and a voice message retrieval device (140 on FIG. 1A).

Regarding **claim(s) 20**, Swistock discloses the voice messaging waiting information is a message waiting indicator control signal (column 3, lines 18-25).

Regarding **claim(s) 21**, Swistock discloses wherein the Internet Protocol server includes: means for decoding at least one of a Frequency Shift keying signal and a Phase Shift Keying signal to generate decoded simplified message desk interface message information (column 3, lines 11-17).

Regarding **claim(s) 27**, Andersson teaches the stored Internet address information includes E-mail addresses of voice message service subscribers (column 3, lines 57-67).

Regarding **claim(s) 28**, Andersson teaches simplified message desk interface history message store for storing received history messages (column 3, lines 57-67).

Regarding **claim(s) 33**, Swistock discloses wherein the voice message retrieval system includes: means for generating an E-mail message including a retrieved voice message (column 3, lines 18-34); and

Means for transmitting the E-mail message including the retrieved voice message of a voice mail service subscriber (column 3, lines 18-34).

5. **Claim(s) 14**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Swistock in view of Andersson as applied to claim(s) 13 above and further in view of Farris et al. (US 6,404,858).

Regarding **claim(s) 14**, Swistock in combination with Andersson as applied to **claim(s) 13** differs from **claim(s) 14** in that it fails to disclose receiving one of a frequency shift keying signal.

However, Farris teaches the step of receiving a SMDI message includes receiving one of a frequency shift keying and a phase shift keying encoded signals (column 26, lines 49-58); and

wherein the step of generating an IP message includes the step of including a message waiting indicator control signal obtained from the received SMDI message in the IP message (column 14, lines 33-43).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Swistock using the teaching frequency shift keying signal as taught by Farris.

This modification of the invention enables the system to receive one of a frequency shift keying signal so that the subscriber would retrieve messages.

6. **Claim(s) 15-18, 22, 25, 31 and 32**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Swistock in view of Andersson as applied to **claim(s) 13, 19 and 30** above and further in view of Curry et al. (US 6,078,582).

Regarding **claim(s) 15**, Swistock in combination with Andersson as applied to **claim(s) 13** differs from **claim(s) 15** in that it fails to disclose using information in a received SMDI message to access a database.

However, Curry teaches using information in a received SMDI message to access a database including Internet Protocol address information (column 14, lines 48-53); and

using at least some of the retrieved Internet Protocol address information in the IP message (column 14, lines 36-40).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Swistock using the teaching of SMDI message as taught by Curry.

This modification of the invention enables the system to use information in a received SMDI message to access a database so that the subscriber would retrieve messages.

Regarding **claim(s) 16**, Andersson teaches the Internet Protocol address information

Includes an E-mail address (column 4, lines 19-30); and

wherein the IP message is an E-mail message (column 4, lines 19-30).

Regarding **claim(s) 17**, Curry teaches storing at the advanced intelligent network service control point, in each of a plurality of subscriber call processing records, each call processing record corresponding to a voice mail service subscriber, an Internet Protocol address and directory number corresponding to the voice mail service subscriber to which the call processing record (column 14, lines 32-47).

Regarding **claim(s) 18**, Curry teaches using information in a received SMDI message to access a database including Internet Protocol address information, includes comparing a directory number or message line indicator received in the SMDI message

to the directory number information received from the service control point (column 14, lines 19-27).

Regarding **claim(s) 22**, Curry teaches the communications link is a simplified message desk interface link (column 14, lines 19-27).

Regarding **claim(s) 25**, Curry teaches a database of voice message service subscriber information including directory number and Internet Protocol address information (column 14, lines 48-53).

Regarding **claim(s) 31**, Curry teaches a service control point including subscriber service information and subscriber Internet address information (column 7, lines 49-54); and

a data network coupling the service control point to the telephone switch and to the Internet Protocol message server (column 7, lines 49-56).

Regarding **claim(s) 32**, Curry teaches the Internet Protocol message server includes a database of voice message service subscriber Internet address information and directory number information downloaded from the service control point (column 14, lines 61-66).

7. **Claim(s) 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Swistock in view of Andersson and Curry as applied to **claim(s) 22** above and further in view of Farris.

Regarding **claim(s) 23**, Swistock in combination with Andersson and Curry as applied to **claim(s) 22** differs from **claim(s) 23** in that it fails to disclose receiving one of a frequency shift keying signal.

However, Farris teaches the Internet Protocol server includes: means for decoding at least one of a Frequency Shift Keying signal and a Phase Shift Keying signal to generate decoded simplified message desk interface message information (column 26, lines 49-58); and

means for generating an IP message including at least some of the decoded simplified message desk interface message information (column 14, lines 33-43).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Swistock using the teaching frequency shift keying signal as taught by Farris.

This modification of the invention enables the system to receive one of a frequency shift keying signal so that the subscriber would retrieve messages.

Regarding **claim(s) 24**, Curry teaches a database of voice message service subscriber information including directory number and Internet Protocol address information (column 14, lines 48-53).

Response to Arguments

8. Applicant's arguments with respect to **claim(s) 1-28 and 30-33** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

GG
July 3, 2006